

Environmental Protection Agency

Pt. 63, Subpt. LLL, Table 1

paragraph. Where additional time is required to correlate a PM CEMS device, a source may petition the Administrator for an extension of the 96-hour aggregate waiver of compliance with the PM and opacity standards. An extension of the 96-hour aggregate waiver is renewable at the discretion of the Administrator.

(f) The owner or operator must return the affected source to operating conditions indicative of compliance with the applicable particulate matter and opacity standards as soon as possible after correlation testing is completed.

[64 FR 31925, June 14, 1999, as amended at 67 FR 16622, Apr. 5, 2002]

§ 63.1358 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if this subpart

is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.1340, 63.1342 through 63.1348, and 63.1351.

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

[68 FR 37359, June 23, 2003]

§ 63.1359 [Reserved]

TABLE 1 TO SUBPART LLL OF PART 63—APPLICABILITY OF GENERAL PROVISIONS

Citation	Requirement	Applies to Subpart LLL	Explanation
63.1(a)(1)–(4)	Applicability	Yes.	[Reserved]
63.1(a)(5)		No	
63.1(a)(6)–(8)	Applicability	Yes.	[Reserved]
63.1(a)(9)		No	
63.1(a)(10)–(14)	Applicability	Yes.	§ 63.1340 specifies applicability.
63.1(b)(1)	Initial Applicability Determination.	No	
63.1(b)(2)–(3)	Initial Applicability Determination.	Yes.	Area sources must obtain Title V permits.
63.1(c)(1)	Applicability After Standard Established.	Yes.	
63.1(c)(2)	Permit Requirements	Yes	[Reserved]
63.1(c)(3)		No	
63.1(c)(4)–(5)	Extensions, Notifications	Yes.	[Reserved]
63.1(d)		No	
63.1(e)	Applicability of Permit Program.	Yes.	Additional definitions in § 63.1341.
63.2	Definitions	Yes	
63.3(a)–(c)	Units and Abbreviations	Yes.	[Reserved]
63.4(a)(1)–(3)	Prohibited Activities	Yes.	
63.4(a)(4)		No	[Reserved]
63.4(a)(5)	Compliance date	Yes.	
63.4(b)–(c)	Circumvention, Severability	Yes.	[Reserved]
63.5(a)(1)–(2)	Construction/Reconstruction	Yes.	
63.5(b)(1)	Compliance Dates	Yes.	[Reserved]
63.5(b)(2)		No	

Pt. 63, Subpt. LLL, Table 1

40 CFR Ch. I (7–1–09 Edition)

Citation	Requirement	Applies to Subpart LLL	Explanation
63.5(b)(3)–(6)	Construction Approval, Applicability.	Yes.	
63.5(c)		No	[Reserved]
63.5(d)(1)–(4)	Approval of Construction/Reconstruction.	Yes.	
63.5(e)	Approval of Construction/Reconstruction.	Yes.	
63.5(f)(1)–(2)	Approval of Construction/Reconstruction.	Yes.	
63.6(a)	Compliance for Standards and Maintenance.	Yes.	
63.6(b)(1)–(5)	Compliance Dates	Yes.	
63.6(b)(6)		No	[Reserved]
63.6(b)(7)	Compliance Dates	Yes.	
63.6(c)(1)–(2)	Compliance Dates	Yes.	
63.6(c)(3)–(4)		No	[Reserved]
63.6(c)(5)	Compliance Dates	Yes.	
63.6(d)		No	[Reserved]
63.6(e)(1)–(2)	Operation & Maintenance	Yes.	
63.6(e)(3)	Startup, Shutdown Malfunction Plan.	Yes.	
63.6(f)(1)–(3)	Compliance with Emission Standards.	Yes.	
63.6(g)(1)–(3)	Alternative Standard	Yes.	
63.6(h)(1)–(2)	Opacity/VE Standards	Yes.	
63.6(h)(3)		No	[Reserved]
63.6(h)(4)–(h)(5)(i)	Opacity/VE Standards	Yes.	
63.6(h)(5)(ii)–(iv)	Opacity/VE Standards	No	Test duration specified in subpart LLL.
63.6(h)(6)	Opacity/VE Standards	Yes.	
63.6(h)(7)	Opacity/VE Standards	Yes.	
63.6(i)(1)–(14)	Extension of Compliance	Yes.	
63.6(i)(15)		No	[Reserved]
63.6(i)(16)	Extension of Compliance	Yes.	
63.6(j)	Exemption from Compliance	Yes.	
63.7(a)(1)–(3)	Performance Testing Requirements.	Yes	§ 63.1349 has specific requirements.
63.7(b)	Notification	Yes.	
63.7(c)	Quality Assurance/Test Plan	Yes.	
63.7(d)	Testing Facilities	Yes.	
63.7(e)(1)–(4)	Conduct of Tests	Yes.	
63.7(f)	Alternative Test Method	Yes.	
63.7(g)	Data Analysis	Yes.	
63.7(h)	Waiver of Tests	Yes.	
63.8(a)(1)	Monitoring Requirements	Yes.	
63.8(a)(2)	Monitoring	No	§ 63.1350 includes CEMS requirements.
63.8(a)(3)		No	[Reserved]
63.8(a)(4)	Monitoring	No	Flares not applicable.
63.8(b)(1)–(3)	Conduct of Monitoring	Yes.	
63.8(c)(1)–(8)	CMS Operation/Maintenance	Yes	Performance specification supersedes requirements for THC CEMS Temperature and activated carbon injection monitoring data reduction requirements given in subpart LLL.
63.8(d)	Quality Control	Yes.	
63.8(e)	Performance Evaluation for CMS.	Yes	Performance specification supersedes requirements for THC CEMS.
63.8(f)(1)–(5)	Alternative Monitoring Method	Yes	Additional requirements in § 63.1350(i).
63.8(f)(6)	Alternative to RATA Test	Yes.	
63.8(g)	Data Reduction	Yes.	
63.9(a)	Notification Requirements	Yes.	
63.9(b)(1)–(5)	Initial Notifications	Yes.	
63.9(c)	Request for Compliance Extension.	Yes.	
63.9(d)	New Source Notification for Special Compliance Requirements.	Yes.	
63.9(e)	Notification of Performance Test.	Yes.	

Environmental Protection Agency

§ 63.1360

Citation	Requirement	Applies to Subpart LLL	Explanation
63.9(f)	Notification of VE/Opacity Test.	Yes	Notification not required for VE/opacity test under § 63.1350(e) and (j).
63.9(g)	Additional CMS Notifications	Yes.	
63.9(h)(1)–(3)	Notification of Compliance Status.	Yes.	
63.9(h)(4)	No	[Reserved]
63.9(h)(5)–(6)	Notification of Compliance Status.	Yes.	
63.9(i)	Adjustment of Deadlines	Yes.	
63.9(j)	Change in Previous Information.	Yes.	
63.10(a)	Recordkeeping/Reporting	Yes.	
63.10(b)	General Requirements	Yes.	
63.10(c)(1)	Additional CMS Recordkeeping.	Yes	PS-8A supersedes requirements for THC CEMS.
63.10(c)(2)–(4)	No	[Reserved]
63.10(c)(5)–(8)	Additional CMS Recordkeeping.	Yes	PS-8A supersedes requirements for THC CEMS.
63.10(c)(9)	No	[Reserved]
63.10(c)(10)–(15)	Additional CMS Recordkeeping.	Yes	PS-8A supersedes requirements for THC CEMS.
63.10(d)(1)	General Reporting Requirements.	Yes.	
63.10(d)(2)	Performance Test Results	Yes.	
63.10(d)(3)	Opacity or VE Observations ..	Yes.	
63.10(d)(4)	Progress Reports	Yes.	
63.10(d)(5)	Startup, Shutdown, Malfunction Reports.	Yes.	
63.10(e)(1)–(2)	Additional CMS Reports	Yes.	
63.10(e)(3)	Excess Emissions and CMS Performance Reports.	Yes	Exceedances are defined in subpart LLL.
63.10(f)	Waiver for Recordkeeping/Reporting.	Yes.	
63.11(a)–(b)	Control Device Requirements	No	Flares not applicable.
63.12(a)–(c)	State Authority and Delegations.	Yes.	
63.13(a)–(c)	State/Regional Addresses	Yes.	
63.14(a)–(b)	Incorporation by Reference ..	Yes.	
63.15(a)–(b)	Availability of Information	Yes.	

[67 FR 16622, Apr. 5, 2002]

Subpart MMM—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

SOURCE: 64 FR 33589, June 23, 1999, unless otherwise noted.

§ 63.1360 Applicability.

(a) *Definition of affected source.* The affected source subject to this subpart is the facility-wide collection of pesticide active ingredient manufacturing process units (PAI process units) that process, use, or produce HAP, and are located at a plant site that is a major source, as defined in section 112(a) of the CAA. An affected source also includes waste management units, heat exchange systems, and cooling towers that are associated with the PAI proc-

ess units. Exemptions from an affected source are specified in paragraph (d) of this section.

(b) *New source applicability.* A new affected source subject to this subpart and to which the requirements for new sources apply is defined according to the criteria in paragraph (b)(1) or (2) of this section.

(1) An affected source for which construction or reconstruction commenced after November 10, 1997.

(2) Any dedicated PAI process unit that meets the criteria specified in paragraphs (b)(2)(i) and (ii) of this section.

(i) For which construction, as defined in § 63.1361, commenced after November 10, 1997, or reconstruction commenced after September 20, 2002.